

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

R.H., a minor, by and through her guardian ad litem, Sheila Brown; ESTATE OF ERIC JAY HAMES, by and through its personal representative, Crystal Dunlap-Bennett,

Case No. 2:20-cv-01435-WBS DMC  
ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff,

v.

CITY OF REDDING, et al.,

Defendant.

The parties have requested a settlement conference to attempt to determine the damage amount. Thus, the Court **ORDERS**:

1. A settlement conference is scheduled for **September 30, 2021**, at 10:00 a.m. The settlement conference will proceed via video conference. The Court will provide conference details as the date approaches.

2. Unless otherwise permitted in advance by the Court, **the attorneys who will try the case shall appear** at the settlement conference **with the parties** and the person or persons having **full authority** to negotiate and settle the case **on any reasonable terms**<sup>1</sup> discussed at the

<sup>1</sup> Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like may be represented by a person whose recommendations about settlement are relied upon by the ultimate decision makers.

conference. Each of the participants **SHALL** participate in good faith and in the spirit of compromise.<sup>2</sup> If they cannot do so, they SHALL alert the Court and their opponent, so that the Court can determine whether the conference should be continued or vacated.

Consideration of settlement is a serious matter that requires preparation prior to the settlement conference. Set forth below are the procedures the Court will employ, absent good cause, in conducting the conference.

3. **No later than September 20, 2021**, the plaintiffs **SHALL** submit to the defendants via fax or e-mail, a written itemization of damages and a meaningful<sup>3</sup> settlement demand which includes a brief explanation of why such a settlement is appropriate. Thereafter, **no later than September 27, 2021**, the defendants **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why such a settlement is appropriate. **The parties SHALL continue to exchange counteroffers until it is no longer productive.**

If settlement is not achieved, each party **SHALL** attach copies of their settlement offers to their Confidential Settlement Conference Statement, as described below. Copies of these documents shall not be filed on the court docket.

4. **No later than noon on September 29, 2021**, the parties shall submit, directly to Judge Thurston's chambers by e-mail to JLTOOrders@caed.uscourts.gov, a Confidential Settlement Conference Statement. The statement **should not be filed** with the Clerk of the Court **nor served on any other party**, although the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall be clearly marked "confidential" with the date and time of the Settlement Conference indicated prominently thereon.

5. The Confidential Settlement Conference Statement shall include the following:

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<sup>2</sup> This also means that the parties **SHALL** be present on the video screen whenever the Court is consulting them, or they agree that any offer made in their absence is with the full authority of their counsel and **cannot** be rescinded.

<sup>3</sup> "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other party. If, however, the offering party is only willing to offer a settlement which it knows the other party will not accept, this should trigger a recognition the case is not in a settlement posture and the parties should confer about continuing the settlement conference via stipulation.

- A. A brief statement of the facts of the case.
- B. A description of the major issues in dispute and a forthright evaluation of the value of the case considering the relevant legal authorities and risk inherent in litigation.
- C. An estimate of the cost and time to be expended for further discovery, pretrial and trial.
- D. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers and demands.

IT IS SO ORDERED.

Dated: **September 15, 2021**

/s/ Jennifer L. Thurston

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**CHIEF UNITED STATES MAGISTRATE JUDGE**